

AG Contract No. _____
ADOT ECS File No. JPA 96-171
Project: DPS Officer Assistance
to ADOT-Trespassers
Section: Statewide

INTER-AGENCY AGREEMENT
BETWEEN
THE ARIZONA DEPARTMENT OF TRANSPORTATION
AND
THE ARIZONA DEPARTMENT OF PUBLIC SAFETY

THIS AGREEMENT is entered into 24 February, 1997, between agencies of the STATE OF ARIZONA, to wit; the DEPARTMENT OF TRANSPORTATION, acting by and through its Highways Division (the "DOT") and ARIZONA DEPARTMENT OF PUBLIC SAFETY, acting by and through its Highway Patrol Bureau (the "DPS").

I. RECITALS

1. The DOT is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the DOT.

2. The DPS is empowered by Arizona Revised Statutes Section § 41-1742 and § 41-1713 to enter into this agreement and has resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the DPS.

3. Both DOT and DPS, as part of their missions, maintain the safety of the motoring public and pedestrian on the State highway system. Pedestrians in landscaped and other non-pedestrian areas, and vendors, solicitors, panhandlers and others soliciting business or donations from within the state right-of-way (hereinafter "vendors") endanger themselves and the motoring public. Furthermore, the presence of unauthorized persons in landscaped and

other non-pedestrian areas increases maintenance costs for the state highway system.

4. Being present in landscaped and other non-pedestrian areas of the state highway system, as well as being a vendor in the state right-of-way, are unauthorized uses of the state highway pursuant to A.R.S. § 28-1870. The DOT, by and through its Director, is vested with jurisdiction and control over the state highways pursuant to A.R.S. Section 28-104, and it considers persons in landscaped and other non-pedestrian areas, and vendors, to be trespassers in the state highway.

5. The DPS has agreed to serve as the DOT's agent to enforce the trespassing laws, laws pertaining to unauthorized use of state highways, and such other laws as are necessary to keep persons out of landscaped and other non-pedestrian areas, and to stop vendors from being in the state highway right-of-way.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE

1. The DOT, as the owner of the state highway system, hereby authorizes the DPS to arrest persons trespassing pursuant to Arizona Revised Statutes Section 13-1501 through 13-1504. Trespassers include those who are present in landscaped and other non-pedestrian areas of the state highways, as well as those who are vendors in the state highway right-of-way, and (1) refuse to leave the landscaped and non-pedestrian areas or, in the case of vendors and panhandlers, who refuse to cease vending after being instructed to do so, or (2) are in landscaped or other non-pedestrian areas after reasonable notice prohibiting entry. The DOT shall be responsible for informing the DPS as to what property is within the State Highway System right-of-way. Attached for

reference as Exhibit A is a diagram which shows the limits of the State right-of-way for a typical freeway crossroad intersection.

2. The DOT agrees to cooperate fully in the prosecution of persons subsequently arrested for violations occurring in the state highway system.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party or other competent authority.

2. This agreement shall become effective upon execution by the parties hereto.

3. This agreement may be canceled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

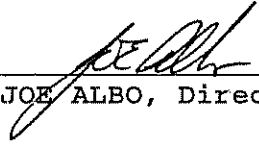
6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, Arizona 85007

Director
Arizona Department of Public Safety
2102 West Encanto Blvd.
Phoenix, Arizona 85005-6638

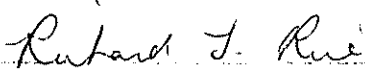
IN WITNESS WHEREOF, the parties have executed this agreement the day and
year first above written.

STATE OF ARIZONA
DEPARTMENT OF PUBLIC SAFETY

By: 
JOE ALBO, Director

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION


By: 
LARRY S. BONINE
Director

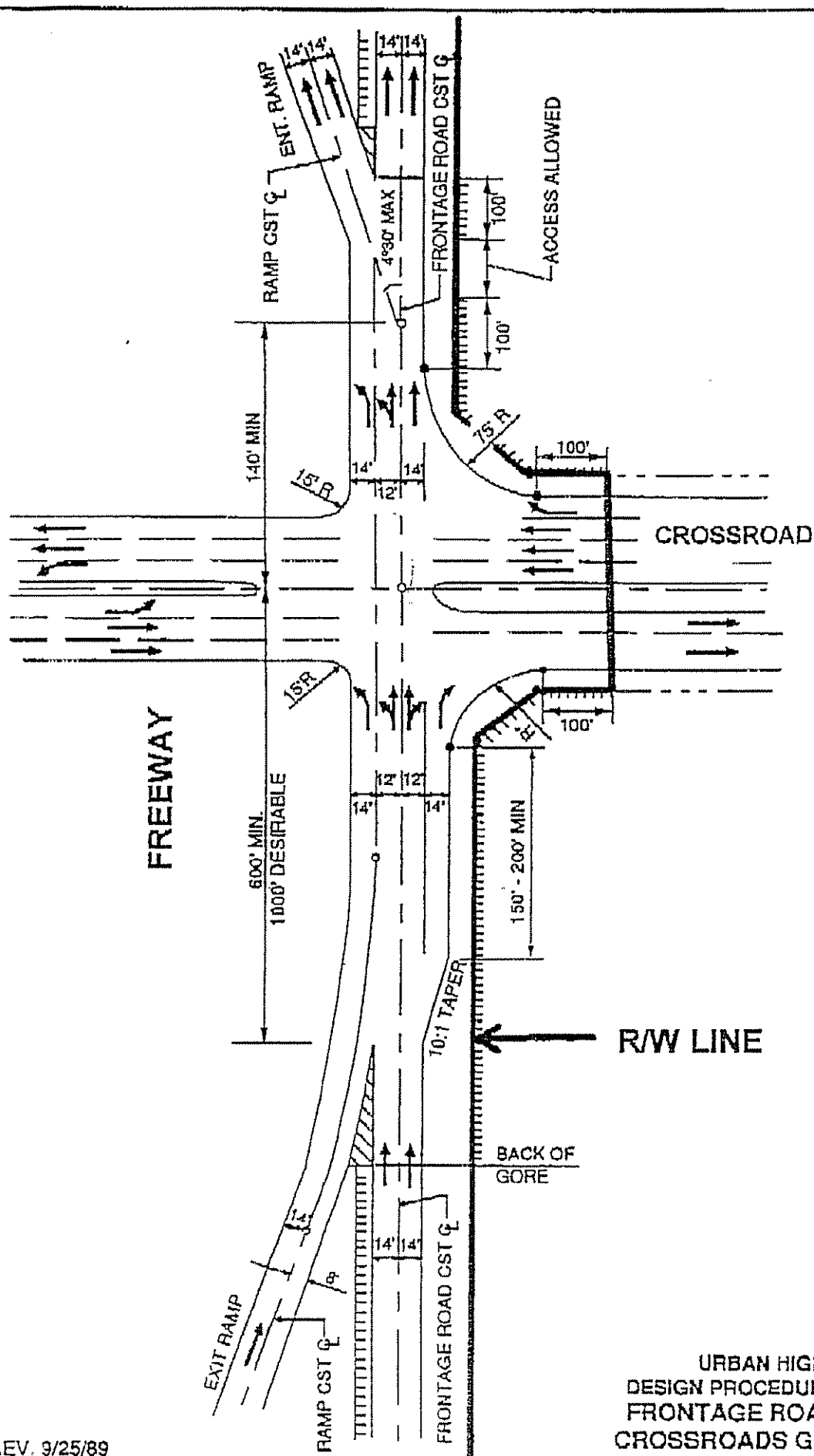

APPROVED -- Legal Section
Arizona Department of Public Safety

RESOLUTION

BE IT RESOLVED on this 6th day of November 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Arizona Department of Public Safety (DPS) for the purpose of defining responsibilities for DPS officers to act as agents on behalf of the Department of Transportation to enforce trespassing statutes throughout the State on State rights-of-way.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Engineer for approval and execution.


for LARRY S. BONINE
Director



TYPICAL CROSSROAD - FRONTAGE ROAD/SLIP RAMP INTERSECTION

URBAN HIGHWAY
DESIGN PROCEDURES MANUAL
FRONTAGE ROAD / RAMP /
CROSSROADS GEOMETRICS

REV. 9/25/89